

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Michael Anthony Booker

Docket No. 5:08-CR-363-1FL

Petition for Action on Supervised Release

COMES NOW Linwood E. King, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Michael Anthony Booker, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute 50 Grams or More of Cocaine Base (Crack), was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge on September 17, 2009, to the custody of the Bureau of Prisons for a term of 96 months. As a result of a 3582 Motion filed by the government, on November 19, 2012, the defendant's custodial sentence was reduced to a term of 77 months imprisonment. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Michael Anthony Booker was released from custody on May 23, 2014, at which time the term of supervised release commenced.

On September 29, 2014, the court was notified of the defendant testing positive for the use of marijuana. Booker's term of supervised release was continued without modification, and the defendant was allowed exposure to substance abuse treatment.

On June 22, 2015, the court was notified of the defendant being charged with misdemeanor Failure to Return Rental Property Rented for Purchase Option (15CR21220) in Wake County, North Carolina. Booker's term of supervised release was continued without modification.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant provided a urine screen on July 13, 2015, which tested positive for the use of cocaine. Booker admitted to this officer that he had used cocaine and was also struggling with family issues. To address this behavior, and in an effort to deter future drug use, we are recommending that Booker be required to serve an active jail weekend and again be exposed to appropriate substance abuse treatment. The defendant has been warned that an arrest warrant could be requested from the court subsequent to any future urinalysis tests returning positive for illegal drug use.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons from 6:00 p.m. Friday until 6:00 a.m. Monday for a period of (1) weekend, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/Michael C. Brittain

Michael C. Brittain
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/Linwood E. King

Linwood E. King
U.S. Probation Officer
310 New Bern Avenue Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8682
Executed On: July 30, 2015

ORDER OF THE COURT

Considered and ordered this 31st day of July, 2015 and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge